

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
LUBBOCK DIVISION

UNITED STATES OF AMERICA

v.

NO. 5:18-CR-074-C

DERRICK LESHUN THOMAS

FACTUAL RESUME

In support of Derrick Leshun Thomas's plea of guilty to the offense in Count One of the Indictment, Thomas, the defendant, Laurie L. Key, the defendant's attorney, and the United States of America (the government) stipulate and agree to the following:

ELEMENTS OF THE OFFENSE

To prove the offense alleged in Count One of the Indictment, charging a violation of 21 U.S.C. §§ 841(a)(1), 841(b)(1)(B)(iii), that is, Possession with Intent to Distribute 28 Grams or More of Cocaine Base, the government must prove each of the following elements beyond a reasonable doubt:¹

- First.* That the defendant knowingly or intentionally possessed a controlled substance;
- Second.* That the substance was in fact cocaine;
- Third.* That the defendant possessed the substance with the intent to distribute it; and
- Fourth.* That the quantity of the substance was at least 28 grams of cocaine base.

¹ Fifth Circuit Pattern Jury Instruction 2.93 (5th Cir. 2015).

STIPULATED FACTS

1. Derrick Leshun Thomas admits and agrees that on or about July 12, 2018, in the Lubbock Division of the Northern District of Texas, and elsewhere, he did intentionally and knowingly possess with intent to distribute 28 grams and more, but less than 280 grams, of a mixture and substance containing a detectable amount of cocaine base, a Schedule II controlled substance.

2. On July 12, 2018, agents with the Lubbock County Sheriff's Office (LCSO) were conducting surveillance in the area of 23rd Street and Avenue O, Lubbock, Texas. Agents saw Derrick Leshun Thomas get into a 2000 Chevrolet Tahoe and leave a residence at 1509 23rd Street, Lubbock, Texas.

3. An LCSO deputy conducted a traffic stop of the 2000 Chevrolet Tahoe for a defective license plate lamp. When the LCSO deputy approached the driver's side of the Chevrolet Tahoe, he smelled the odor of marijuana coming from the vehicle. The LCSO deputy identified the driver, and sole occupant, as Derrick Leshun Thomas. The LCSO deputy conducted a probable cause search of the Tahoe and found a small quantity of marijuana between the driver's seat and center console. The LCSO deputy arrested Thomas and transported him to the Lubbock County Detention Center (LCDC).

4. At the LCDC, jailers conducted a strip search of Thomas and found a white rock substance that appeared to be cocaine base in his buttocks area. Thomas admits that he knowingly possessed this cocaine base.

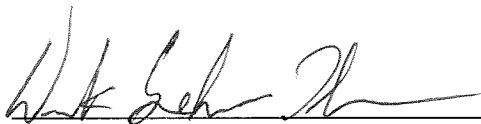
5. Subsequent analysis by the Drug Enforcement Administration South Central Laboratory confirmed that Thomas possessed 95.549 net grams of cocaine base, a

Schedule II controlled substance. This quantity of cocaine base is consistent only with distribution, not someone's personal use.

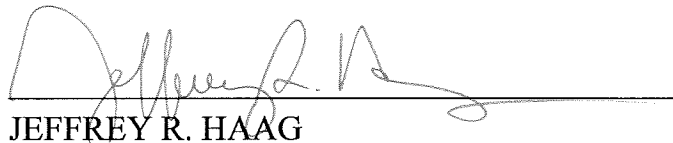
6. The defendant agrees that the defendant committed all the essential elements of the offense. This factual resume is not intended to be a complete accounting of all the facts and events related to the offense charged in this case. The limited purpose of this statement of facts is to demonstrate that a factual basis exists to support the defendant's guilty plea to Count One of the Indictment.

AGREED TO AND STIPULATED on this 8th day of April, 2019.

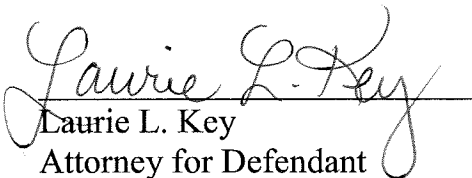
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